

Steve W. Berman (*pro hac vice*)
 Emilee N. Sisco (*pro hac vice*)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 1301 Second Avenue, Suite 2000
 Seattle, WA 98101
 Telephone: (206) 623-7292
 Facsimile: (206) 623-0594
 steve@hbsslaw.com
 emilees@hbsslaw.com

Benjamin J. Siegel (SBN 256260)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 715 Hearst Avenue, Suite 202
 Berkeley, CA 94710
 Telephone: (510) 725-3000
 Facsimile: (510) 725-3001
 bens@hbsslaw.com

Counsel for Plaintiffs and the Proposed Classes

Jeffrey L. Kessler (*pro hac vice*)
 David G. Feher (*pro hac vice*)
 David L. Greenspan (*pro hac vice*)
 Adam I. Dale (*pro hac vice*)
 WINSTON & STRAWN LLP
 200 Park Avenue
 New York, NY 10166-4193
 Telephone: (212) 294-4698
 Facsimile: (212) 294-4700
 jkessler@winston.com
 dfeher@winston.com
 dgreenspan@winston.com
 aidale@winston.com

Jeanifer E. Parsigian (SBN 289001)
 WINSTON & STRAWN LLP
 101 California Street, 34th Floor
 San Francisco, CA 94111
 Telephone: (415) 591-1000
 Facsimile: (415) 591-1400
 jparsigian@winston.com

Counsel for Plaintiffs and the Proposed Classes

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL
 LITIGATION

Case No. 4:20-cv-03919-CW

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING CASE DEADLINES**

Hon. Claudia Wilken

1 Pursuant to Northern District of California Local Rules 6-2 and 7-12, Plaintiffs in the above-
2 captioned action and Defendants National Collegiate Athletic Association, Atlantic Coast Conference,
3 The Big Ten Conference, Inc., The Big 12 Conference, Inc., Pac-12 Conference, and Southeastern
4 Conference (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), by and through
5 their respective undersigned counsel, submit the following Stipulation seeking an order extending
6 certain case deadlines:

7 WHEREAS, on December 2, 2020, Plaintiffs served their First Set of Requests for Production
8 of Documents on Defendants, and on April 16, 2021, Defendants served their First Set of Requests for
9 Production of Documents on Plaintiffs;

10 WHEREAS, on May 24, 2021, the Parties filed a Stipulation for Order Extending Case
11 Deadlines which was granted by the Court on May 25, 2021 (ECF Nos. 150, 151);

12 WHEREAS, Plaintiffs contend certain recent and upcoming events are relevant to Plaintiffs’
13 claims and Defendants’ defenses, and as a result, Plaintiffs have asked Defendants to supplement their
14 document productions in response to Plaintiffs’ First Set of Requests for Production of Documents,
15 and Plaintiffs have served a Second Set of Requests for Production of Documents;

16 WHEREAS, the Parties are meeting and conferring in good faith regarding (1) the scope of
17 search terms, custodians and collection time periods for supplemental productions of documents in
18 response to the Plaintiffs’ First Set of Requests for Production of Documents and (2) the scope of
19 document categories, search terms, custodians and collection time periods for productions of
20 documents in response to Plaintiffs’ Second Set of Requests for Production of Documents; and

21 WHEREAS, Plaintiffs have requested modification of the Scheduling Order to accommodate
22 this additional discovery requested and Defendants are willing to agree, subject to the terms of this
23 stipulation.

24 THEREFORE, the Parties agree and stipulate that:
25
26
27
28

1) Subject to agreement on custodians, search terms and collection time periods, Defendants will substantially complete supplemental productions of documents in response to Plaintiffs' First Set of Requests for Production of Documents and, subject to agreement on document categories, search terms, custodians and collection time periods, Defendants will substantially complete productions of documents in response to Plaintiffs' Second Set of Requests for Production of Documents by April 1, 2022.

2) The Parties will meet and confer regarding an additional supplemental production in response to Plaintiffs' First and Second Sets of Requests for Production to the extent it is appropriate and necessary after April 1, 2022 and seek to reach agreement on collection time periods, custodians, and search terms.

3) Plaintiffs will make supplemental productions of documents in response to Defendants' First Set of Requests for Production at the same intervals as Defendants.

4) Subject to the agreements contemplated by paragraphs 1 and 2 above, Plaintiffs agree not to seek further supplementation of the First or Second Sets of Requests for Production with search terms and custodians beyond the supplementation contemplated by paragraphs 1 and 2 above. Plaintiffs reserve their rights to seek additional documents based on deficiencies in Defendants' productions. Defendants agree to meet and confer in good faith about any asserted deficiencies and to supplement discrete categories of agreed-upon documents including financial statements and agreements, which may already be the subject of agreements reached during the meet and confer process.

5) The Parties understand the Court has referred discovery disputes to Magistrate Judge Cousins. ECF No. 125 at 47:6–11

6) The Parties request that the Court issue an order modifying the case deadlines as follows:

EVENT	CURRENT DATE	PROPOSED DATE
Substantial Completion of Parties' First Supplemental Productions of Documents and Defendants' Productions of Documents	n/a	April 1, 2022

1	Responsive to Second Set of Requests ¹		
2	Class Certification Motion and Supporting	February 22, 2022	June 22, 2022
3	Expert Reports		
4	Deadline to Depose Plaintiffs' Class Experts	April 29, 2022	September 12, 2022
5	Class Certification Opposition and Supporting	May 31, 2022	October 12, 2022
6	Expert Reports		
7	Deadline to Depose Defendants' Class	June 28, 2022	November 25, 2022
8	Experts		
9	Class Certification Reply and Expert Rebuttal	August 2, 2022	December 14, 2022
10	Report		
11	Deadline for Supplemental Depositions of	No supplemental	No supplemental
12	Plaintiffs' Class Experts	depositions shall be	depositions shall be
13		permitted without	permitted without
14		agreement of the parties	agreement of the parties
15		or leave of the Court	or leave of the Court
16	Hearing on Class Certification	August 31, 2022 at	January 25, 2023 at
17		2:30pm	2:30pm or at the
18			Court's convenience
19	Merits Discovery Cut-Off	November 11, 2022	March 27, 2023
20	Merits Expert Disclosure (Including Reports)		
21	on Issues at to Which Party Bears the Burden	December 15, 2022	May 1, 2023
22	at Trial		
23	Merits Expert Response	February 10, 2023	June 27, 2023
24	Merits Expert Reply	March 8, 2023	July 24, 2023
25	Expert Discovery Cut-Off	April 12, 2023	August 28, 2023
26	Plaintiffs' Dispositive Motion and <i>Daubert</i>		
27	Motions	May 16, 2023	October 2, 2023
28	Defendants' (1) Opposition to Plaintiffs'		
	Dispositive Motion and <i>Daubert</i> Motions and	June 29, 2023	November 15, 2023
	(2) Dispositive Motion and <i>Daubert</i> Motions		

¹ The Parties will make rolling productions as soon as documents are ready to be produced.

1	Plaintiffs' (1) Reply in Support of their		
2	Dispositive Motion and <i>Daubert</i> Motions and	August 11, 2023	December 28, 2023
3	(2) Opposition to Defendants' Dispositive		
4	Motion and <i>Daubert</i> Motions		
5	Defendants' Reply in Support of their	September 8, 2023	January 25, 2024
6	Dispositive Motion and <i>Daubert</i> Motions		
7	Hearing on All Dispositive and <i>Daubert</i>	October 25, 2023 at	March 27, 2024 at
8	Motions and Further Case Management	2:30pm	2:30pm or at the
9	Conference		Court's convenience
10	Trial Date	January 9, 2024	May 20, 2024

Dated: November 5, 2021

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

WINSTON & STRAWN LLP

By: /s/ Steve W. Berman

By: /s/ Jeffrey L. Kessler

Steve W. Berman (*pro hac vice*)

Jeffrey L. Kessler (*pro hac vice*)

Emilee N. Sisco (*pro hac vice*)

David G. Feher (*pro hac vice*)

1301 Second Avenue, Suite 2000

David L. Greenspan (*pro hac vice*)

Seattle, WA 98101

Adam I. Dale (*pro hac vice*)

Telephone: (206) 623-7292

200 Park Avenue

Facsimile: (206) 623-0594

New York, NY 10166-4193

steve@hbsslaw.com

Telephone: (212) 294-4698

emilees@hbsslaw.com

Facsimile: (212) 294-4700

jkessler@winston.com

Benjamin J. Siegel (SBN 256260)

dfeher@winston.com

715 Hearst Avenue, Suite 202

dgreenspan@winston.com

Berkeley, CA 94710

aidale@winston.com

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

bens@hbsslaw.com

Jeanifer E. Parsigian (SBN 289001)

101 California Street, 34th Floor

San Francisco, CA 94111

Jeffrey L. Kodroff

Telephone: (415) 591-1000

SPECTOR ROSEMAN & KODROFF PC

Facsimile: (415) 591-1400

Two Commerce Square

jparsigian@winston.com

2001 Market Street, Suite 3420

Philadelphia, PA 19103

Counsel for Plaintiffs and the Proposed Classes

Telephone: (215) 496 0300

Facsimile: (215) 496 6611

jkodroff@srkattorneys.com

Counsel for Plaintiffs and the Proposed Classes

WILKINSON STEKLOFF LLP

By: /s/ Beth A. WilkinsonBeth A. Wilkinson (*pro hac vice*)Rakesh N. Kilaru (*pro hac vice*)Kieran Gostin (*pro hac vice*)Calanthe Cope-Kasten (*pro hac vice*)

2001 M Street NW, 10th Floor

Washington, DC 20036

Telephone: (202) 847-4000

Facsimile: (202) 847-4005

bwilkinson@wilkinsonstekloff.com

rkilaru@wilkinsonstekloff.com

kgostin@wilkinsonstekloff.com

ccope-kasten@wilkinsonstekloff.com

Rahul Hari (SBN 313528)

11601 Wilshire Blvd., Suite 600

Los Angeles, CA 90025

Telephone: (424) 291-9655

Facsimile: (202) 847-4005

rhari@wilkinsonstekloff.com

Counsel for Defendant National Collegiate Athletic Association

MAYER BROWN LLP

By: /s/ Britt M. MillerBritt M. Miller (*pro hac vice*)Matthew D. Provance (*pro hac vice*)

71 South Wacker Drive

Chicago, IL 60606

Telephone: (312) 782-0600

Facsimile: (312) 701-7711

bmiller@mayerbrown.com

mprovance@mayerbrown.com

Christopher J. Kelly (SBN 276312)

Two Palo Alto Square, Suite 300

3000 El Camino Real

Palo Alto, CA 94306

Telephone: (650) 331-2000

Facsimile: (650) 331-2060

cjkelly@mayerbrown.com

Counsel for Defendant The Big Ten Conference, Inc.

FOX ROTHSCHILD LLP

By: /s/ D. Erik AlbrightD. Erik Albright (*pro hac vice*)Gregory G. Holland (*pro hac vice*)

230 North Elm Street, Suite 1200

Greensboro, NC 27401

Telephone: (336) 378-5368

Facsimile: (336) 378-5400

ealbright@foxrothschild.com

gholland@foxrothschild.com

Jonathan P. Heyl (*pro hac vice*)

101 N. Tryon Street, Suite 1300

Charlotte, NC 28246

Telephone: (704) 384-2625

Facsimile: (704) 384-2800

jhey1@foxrothschild.com

Alexander Hernaez (SBN 201441)

345 California Street, Suite 2200

San Francisco, CA 94104-2670

Telephone: (415) 364-5540

Facsimile: (415) 391-4436

ahernaez@foxrothschild.com

Counsel for Defendant The Atlantic Coast Conference

PROSKAUER ROSE LLP

By: /s/ Scott P. Cooper

Scott P. Cooper (SBN 96905)

Bart H. Williams (SBN 134009)

Kyle A. Casazza (SBN 254061)

Shawn S. Ledingham, Jr. (SBN 275268)

Jennifer L. Jones (SBN 284624)

Kelly M. Curtis (SBN 313581)

2029 Century Park East, Suite 2400

Los Angeles, CA 90067

Telephone: (310) 557-2900

Facsimile: (310) 557-2193

scooper@proskauer.com

bwilliams@proskauer.com

kcasazza@proskauer.com

sledingham@proskauer.com

jljones@proskauer.com

kcurtis@proskauer.com

Counsel for Defendant Pac-12 Conference

1 POLSINELLI PC

ROBINSON, BRADSHAW & HINSON, P.A.

2 By: /s/ Leane K. Capps

By: /s/ Robert W. Fuller, III

3 Leane K. Capps (*pro hac vice*)

Robert W. Fuller, III (*pro hac vice*)

4 Caitlin J. Morgan (*pro hac vice*)

Lawrence C. Moore, III (*pro hac vice*)

5 D. Rockwell Bower (*pro hac vice*)

Pearlynn G. Houck (*pro hac vice*)

6 2950 N. Harwood Street

Amanda P. Nitto (*pro hac vice*)

7 Suite 2100

101 N. Tryon St., Suite 1900

8 Dallas, TX 75201

Charlotte, NC 28246

9 Telephone: (214) 397-0030

Telephone: (704) 377-2536

10 lcapps@polsinelli.com

Facsimile: (704) 378-4000

11 cmorgan@polsinelli.com

rfuller@robinsonbradshaw.com

12 rbower@polsinelli.com

lmoore@robinsonbradshaw.com

13 Amy D. Fitts (*pro hac vice*)

phouck@robinsonbradshaw.com

14 120 W. 12th Street

anitto@robinsonbradshaw.com

15 Kansas City, MO 64105

Mark J. Seifert (SBN 217054)

16 Telephone: (816) 218-1255

SEIFERT ZUROMSKI LLP

17 afitts@polsinelli.com

One Market Street, 36th Floor

18 Wesley D. Hurst (SBN 127564)

San Francisco, California 94105

19 2049 Century Park East, Suite 2300

Tel. (415) 999-0901

20 Los Angeles, CA 90067

Fax (415) 901-1123

21 Telephone: (310) 556-1801

mseifert@SZLLP.com

22 whurst@polsinelli.com

Counsel for Defendant Southeastern

23 *Counsel for Defendant The Big Twelve*
24 *Conference, Inc.*

Conference

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Jeffrey L. Kessler
JEFFREY L. KESSLER

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

THE HONORABLE CLAUDIA WILKEN
United States District Court Judge